

## **WILLS**

The Armed Forces strongly encourages all members and their spouses to execute wills. The principal reason for making a will is to decide who will receive your property upon your death. If you die without a will, the state of your domicile distributes your property according to its own law.

It is important for people with children to have a will in order to designate a guardian. If both parents die and no guardian is named, the court may appoint a guardian whom the parents would not have desired.

Prior to completing this worksheet, you should have a plan for the distribution of your property. Typically, married couples leave all the property to the surviving spouse. Should both spouses die together, the property will normally be divided equally among the children. If the child/ren is/are minors, the executor, the person taking care of the estate, exercises considerable judgment regarding the time and manner of distributing the children's property to them, or the guardian.

Some court proceedings may be necessary in order to transfer the property of the deceased and to settle any debts. However, possessing a will can minimize court-related expenses.

**Information provided on this worksheet is confidential.**

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*OFFICE USE ONLY*

ATTORNEY \_\_\_\_\_

DATE OF EXECUTION \_\_\_\_\_

## LAST WILL AND TESTAMENT WORKSHEET

(Please Print)

FULL NAME: \_\_\_\_\_

ARE YOU: ACTIVE DUTY \_\_\_\_\_ DEPENDENT \_\_\_\_\_ VETERAN \_\_\_\_\_

CIVILIAN EMPLOYEE \_\_\_\_\_

DUTY EXT: \_\_\_\_\_ HOME PHONE: \_\_\_\_\_

STATE OF LEGAL RESIDENCE (DOMICILE): \_\_\_\_\_

SPOUSE'S NAME (Indicate if no spouse): \_\_\_\_\_

NAME AND AGE(S) OF CHILD/REN (Please indicate if adopted or stepchildren, or no children):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### GENERAL QUESTIONS

1. Have you ever made a Last Will and Testament? \_\_\_\_\_
2. If you are now single, were you previously married? \_\_\_\_\_
3. Do you own real estate? \_\_\_\_\_  
If yes, is it owned jointly or do you own it outright? \_\_\_\_\_
4. Do you have life insurance? \_\_\_\_\_  
If yes, how much? \_\_\_\_\_
5. Does the value of your estate, including life insurance, exceed \$600,000? \_\_\_\_\_

Are there any special conditions or situations you feel the attorney should know before preparing the will? If so, please describe briefly:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### IMPORTANT POINTS REGARDING THE DISTRIBUTION OF PROPERTY

Note 1 The following titled properties will probably pass to the surviving spouse regardless of any disposition made in the will:

- Property titled jointly with the right of survivorship (bank accounts)
- Tenants by the entirety (your house)
- Property in both spouses' name

Note 2 Insurance policies are paid to the beneficiary according to the terms of the policy. The proceeds are not controlled by provisions in the will unless no specific beneficiaries are named on the policy or unless the proceeds are to be paid directly to your estate.

Note 3 Be especially cautious of making specific bequests. In particular, cash bequests must be paid before any other specific and/or general bequests. Therefore, bequests of cash may require selling other property in the estate to provide funds for the bequest. Additionally, bequests of personal property often cause confusion. For example, the property could be worn out or sold by the testator before he dies. Furthermore, bequests of items such as, "my car", may cause confusion if the testator owns two cars at the time of death.

**PLEASE ANSWER EVERY QUESTION. IF A QUESTION DOES NOT APPLY, PLEASE WRITE N/A.**

1. Do you wish to leave everything to your spouse? \_\_\_\_\_

2. Do you have specific cash bequests to make? (Keep in mind Note 3 above)

Full Name

City/State

Cash Amount

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3. At what age do you wish your children to be deemed the age of majority? \_\_\_\_\_  
(Please note that state law may supersede your decision)

#### 4. EXECUTOR/PERSONAL ADMINISTRATOR

An Executor (male), or Executrix (female), is the person responsible for carrying out your wishes. The person is your personal representative in matters relating to the distribution of your property. A spouse is commonly named as the primary Executor~~ix~~ because he/she knows the location of important papers, documents accounts, deeds, etc., but if you don't think he/she is capable of the decisions required by the election, you may name another individual.

	Full Name	City/State	Relationship
PRIMARY:	_____		
SECONDARY:	_____		

Note 4 If you have minor children, the Executor~~ix~~ usually exercises considerable discretion as to when and how property from the estate is passed to the children or guardian. If this arrangement is unacceptable to you and you prefer to create a formal trust to limit or eliminate any discretion on behalf of the Executor~~ix~~, consult a legal assistance attorney. Unfortunately, trusts can be expensive, complex, and usually beyond the bounds of Air Force legal assistance.

#### 5. GUARDIANSHIP

If you have children under age 18, you should select a guardian in the event your spouse dies before you. Normally, the surviving natural parent becomes the child's guardian, even if the parents are divorced.

	Full Name	City/State	Relationship
GUARDIAN:	_____		
ALTERNATE:	_____		

6. Do you wish to leave your estate to your children "perstirpes" or "per capita"? "Perstirpes" is the most common distribution, which means if any of your children die before you, their children (your grandchildren) will divide the share the deceased child would receive. A "per capita" distribution means that all of your surviving children will share equally, but if any of your children die before you, the deceased child's share is divided among the surviving children, and the grandchildren of the deceased child will receive nothing.

\_\_\_\_\_ Perstirpes distribution  
\_\_\_\_\_ Per capita distribution  
\_\_\_\_\_ Inapplicable

7. Do you wish stepchildren and/or adopted children to be treated the same as biological children?

\_\_\_\_\_

If not, please explain:

8. If your spouse should die before you, die simultaneously or you are unmarried, do you want to leave everything to any children you may have in equal shares? \_\_\_\_\_

If not, please list the share they are to receive:

Full Name

Share Amount

9. If you left everything to either your spouse and/or your children and they die before you, and you have no grandchildren, whom do you want to inherit your estate in their place?

Full Name

City/State

Relationship

Share

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_

10. If you have no spouse or children, or you have disinherited them, whom do you wish to inherit your estate?

Full Name

City/State

Relationship

Share

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_

11. If the individuals listed under question 8, 9 or 10 share in the estate's division and one predeceases you, do you want the deceased person's share go to his/her family instead of going to the other beneficiary(ies) named above? \_\_\_\_\_

12. Do you have any specific bequests of personal property such as, a coin collection, family heirloom, etc.? (Keep in mind Note 3 above)

<u>Full Name</u>	<u>City/State</u>	<u>Property</u>

ADDITIONAL COMMENTS- *Please write any special circumstances or requests not specifically addressed by questions above.*


## ***LIVING WILL***

A living will is a declaration that if you are terminally ill or in an irreversible coma, medical treatment should not be given to unnaturally prolong your life.

### **GENERAL QUESTIONS**

1. Do you authorize your agent to donate your organs after your death?\_\_\_\_\_
2. If so, is your authority limited to organ transplants, rather than authorizing donation of organs and tissue for other medical, educational, or scientific purposes?

\_\_\_\_\_ Yes, I limit the agent's authority to organ transplant donation only.

\_\_\_\_\_ No, I do not limit the agent's authority to organ transplant donation only.

3. Do you wish to die at home rather than in a hospital?\_\_\_\_\_

### **AGENT**

Many states require an agent to make medical decisions on your behalf if you become mentally incapacitated. If you are married, your spouse is commonly named as your agent.

#### **PRIMARY:**

Full Name	Address	City/State
Phone Number	Relationship	

#### **SECONDARY:**

Full Name	Address	City/States
Phone Number	Relationship	